

UNITED STATES DISTRICT COURT

for the
Southern District of Alabama

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
information associated with Instagram accounts
[REDACTED] that is stored at
premises controlled by Meta Platforms, Inc.

Case No. MJ-23-41-B

Filed under seal

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A (incorporated by reference).

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B (incorporated by reference).

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

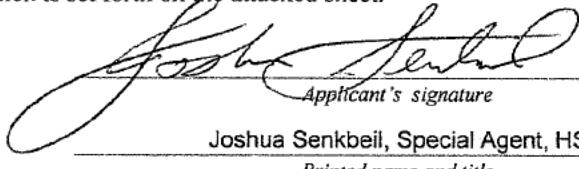
evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 846, 841(a)(1), 843(b), 18 U.S.C. §§ 1956 and 1957	Drug conspiracy, possession with intent to distribute controlled substances, use of communication facilities in furtherance of drug trafficking, money laundering

The application is based on these facts:
See attached affidavit.

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days:
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet) is requested

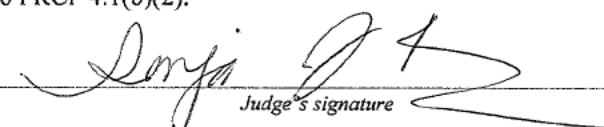

Applicant's signature

Joshua Senkbeil, Special Agent, HSI

Printed name and title

Sworn to before me and attestation acknowledged pursuant to FRCP 4.1(b)(2).

Date: Feb. 13, 2023


Judge's signature

Sonja F. Bivins, U.S. Magistrate Judge

Printed name and title

City and state: Mobile, Alabama

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
INSTAGRAM ACCOUNTS**

**THAT IS STORED AT PREMISES
CONTROLLED BY META PLATFORMS,
INC.**

Case No. 23-M-541-B

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Joshua Senkbeil, being duly sworn, depose and state that:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Instagram account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. ("Meta"), an electronic communications service and/or remote computing service provider headquartered at 1601 Willow Road in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") Office of the Resident Agent in Charge, in Mobile, Alabama, and have been so employed since

SEALED

March 2021. As an HSI Special Agent, I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

3. I am cross-designated and have the authority to conduct Title 21 investigations and enforcement activities. I am also assigned to the High Intensity Drug Trafficking Areas (“HIDTA”) Task Force, which is tasked with investigating criminal activity that includes, but is not limited to, drug trafficking, money laundering, drug smuggling, weapons offenses, and various other felony offenses. I have been involved with investigations for Title 21 offenses and am familiar with the Interagency Cooperation Agreement between the U.S. Drug Enforcement Administration (“DEA”) and ICE.

4. Before being employed with HSI, I was employed with the United States Department of Homeland Security, Customs and Border Protection (“CBP”), Border Patrol (“USBP”) as a Border Patrol Agent for one year. Before being employed with the USBP, I was employed with the Tuscaloosa, Alabama Police Department (“TPD”) for five years. While working at the TPD, I was an investigator assigned to the West Alabama Narcotics Task Force. In that capacity, I conducted complex narcotics investigations at both the federal and state levels. I am a graduate of the Alabama Peace Officer’s Training Academy, the Federal Law Enforcement Training Center (“FLETC”), the USBP Academy in Artesia, New Mexico, and the FLETC/HSI Academy in Glynco, Georgia. My formal education includes a bachelor’s degree in sociology/psychology and a master’s degree in psychology from the University of West Alabama.

5. I am currently assigned to HSI’s Office of the Resident Agent in Charge in Mobile, Alabama, which is charged with investigations relating to organizations that utilize aircraft, boats,

cars, and other means to smuggle or traffic weapons, drugs, currency, and other contraband, or that use these means to provide logistical support for their illicit operations. I am also involved with investigations related to drug trafficking through and around ports of entry, including land, air, and sea, such as the Port of Mobile, Alabama. During my time at HSI, I have participated in the investigation of various drug-trafficking organizations (“DTOs”) involved in the acquisition, importation, transportation, and distribution of controlled substances into and throughout the state of Alabama. As the nature of my ongoing work at HSI requires that I remain knowledgeable of recent trends and developments involved in the investigation of DTOs, I also speak with agents from the DEA, USBP, CBP, and various other local law enforcement officers operating within the Southern District of Alabama.

6. As a law enforcement officer since 2015, I have been involved in numerous controlled substance-related investigations involving various illegal substances, including heroin, cocaine, methamphetamine, fentanyl, ecstasy, and marijuana. I am familiar with the ways in which cocaine, methamphetamine, heroin, fentanyl, ecstasy, and marijuana traffickers conduct their business, including, but not limited to: their methods of importing and distributing controlled substances, their use of cellular telephones, and their use of numerical codes and code words to conduct their transactions.

7. Except where otherwise noted, the information set forth in this affidavit has been provided to me directly, or indirectly by Special Agents of HSI, DEA, or other law enforcement officers. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer (who may have either direct or hearsay knowledge of the statement) to whom I have spoken, or whose report I have read and

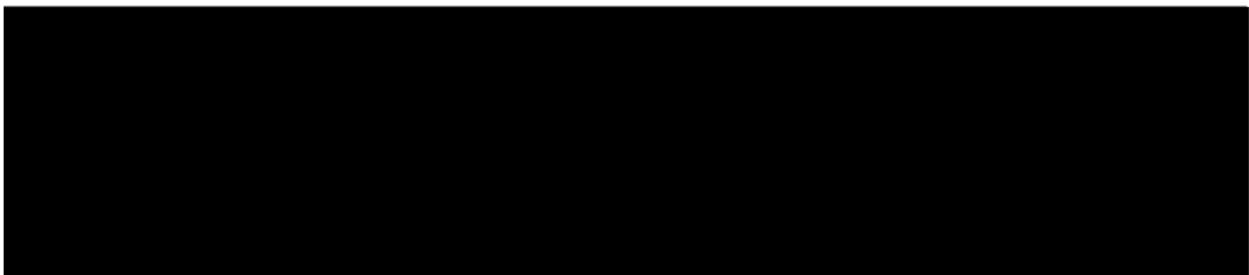
reviewed. Such statements are among many statements made by others and are stated in substance, unless otherwise indicated. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. All dates, times, locations, and amounts referenced in my affidavit are approximations.

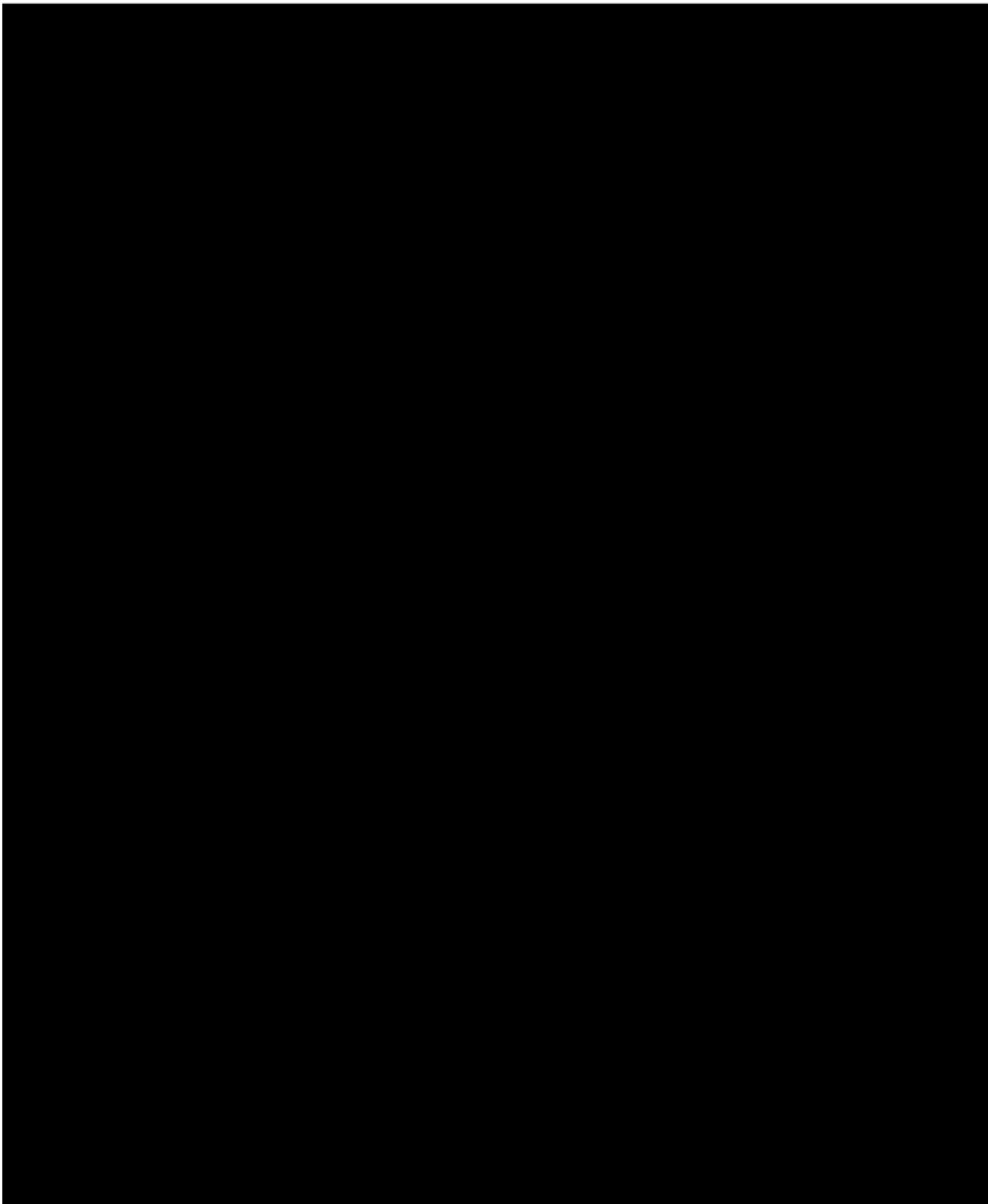
8. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 21 U.S.C. §§ 846 (conspiracy to distribute and possess with intent to distribute controlled substances), 841(a)(1) (distribution and possession with intent to distribute controlled substances), and 843(b) (use of communication facilities in furtherance of drug-trafficking, and 18 U.S.C. §§ 1956 and 1957 (money laundering), have been committed by [REDACTED] and various coconspirators. There is also probable cause to search the information described in Attachment A for evidence, instrumentalities, contraband, and/or fruits of these crimes further described in Attachment B.

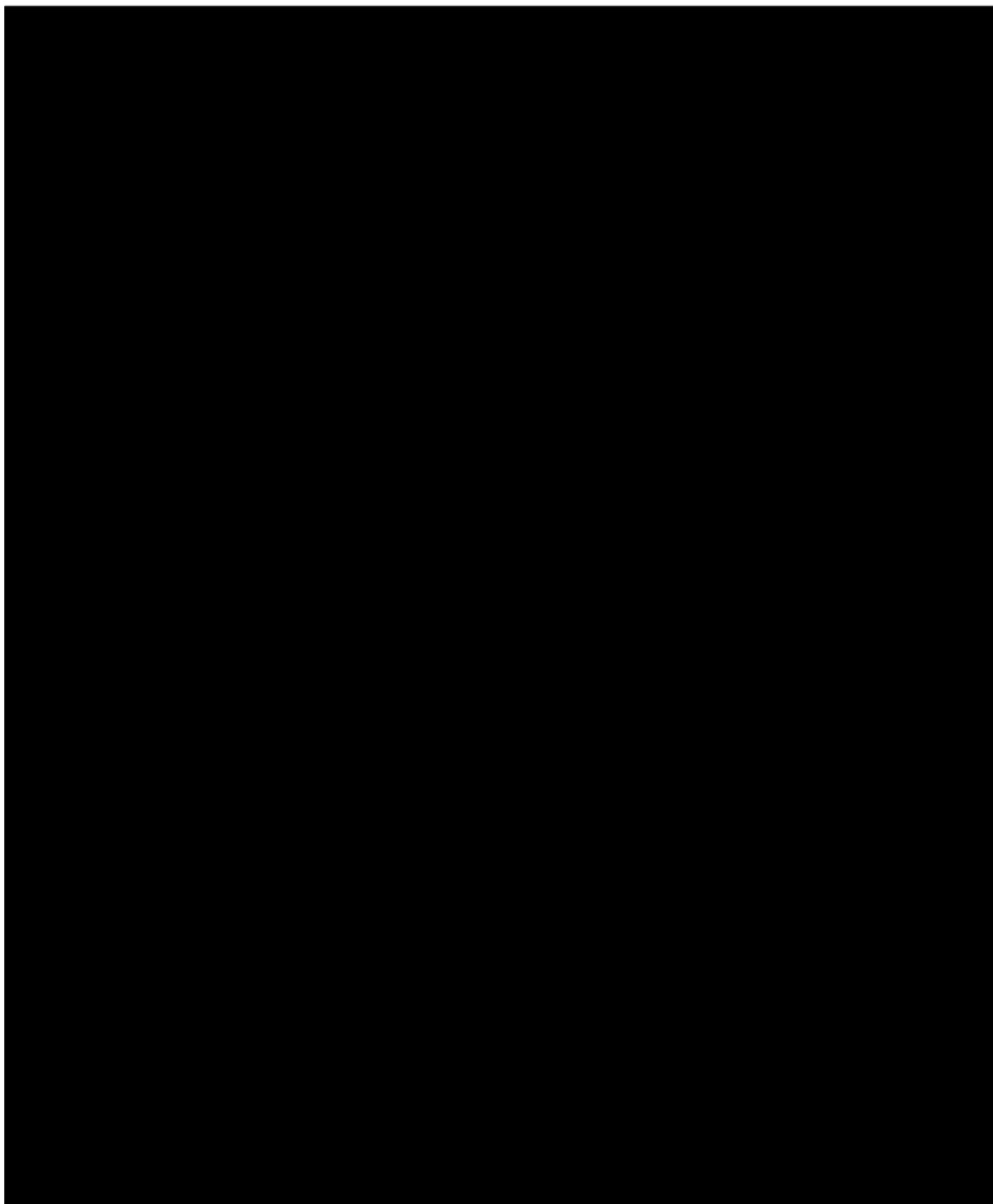
JURISDICTION

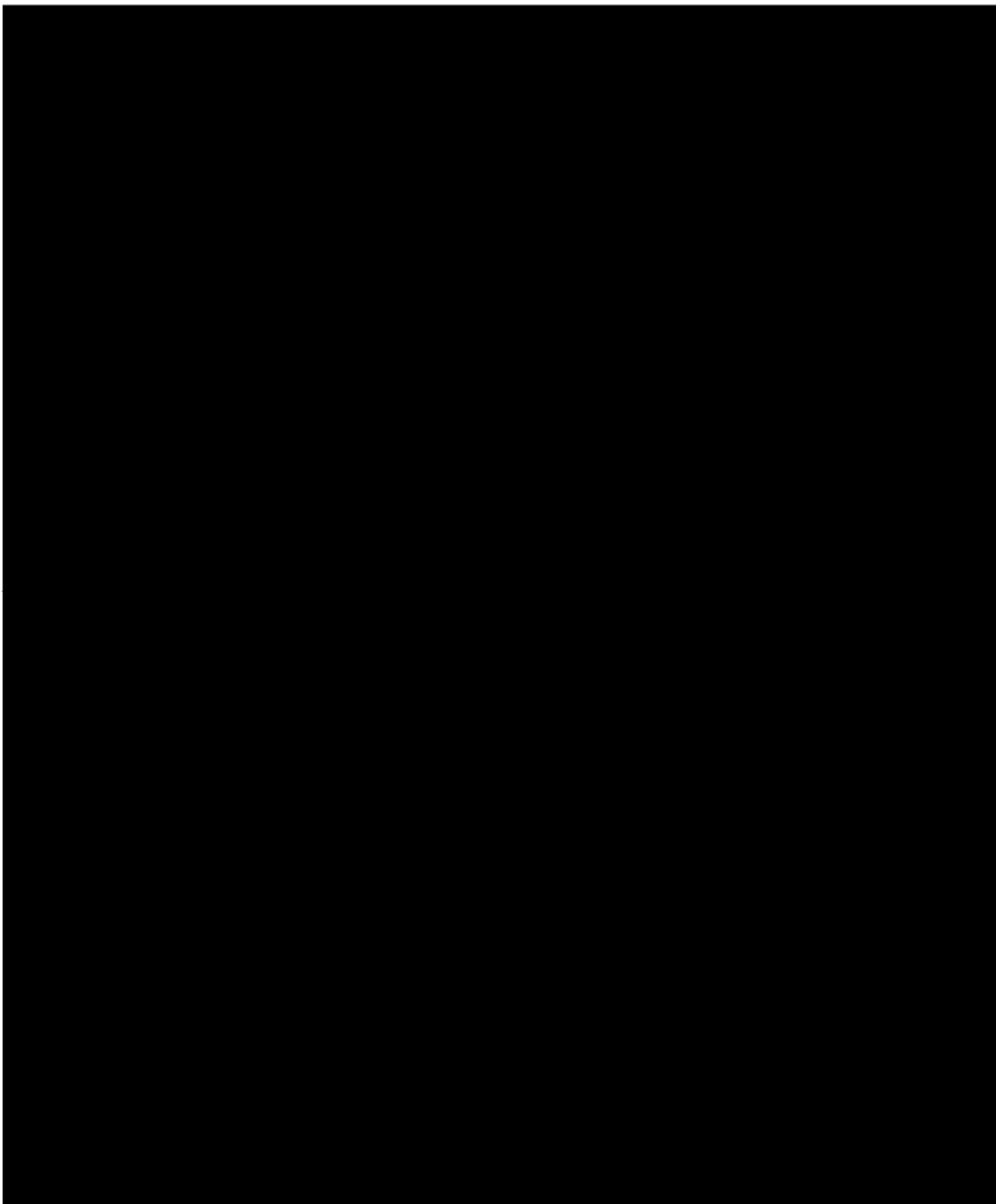
9. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE









BACKGROUND CONCERNING INSTAGRAM¹

20. Instagram is a service owned by Meta, a United States company and a provider of an electronic communications service as defined by 18 U.S.C. §§ 3127(1) and 2510. Specifically, Instagram is a free-access social networking service, accessible through its website and its mobile application, that allows subscribers to acquire and use Instagram accounts, like the target account(s) listed in Attachment A, through which users can share messages, multimedia, and other information with other Instagram users and the general public.

21. Meta collects basic contact and personal identifying information from users during the Instagram registration process. This information, which can later be changed by the user, may include the user's full name, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, credit card or bank account number, and other personal identifiers. Meta keeps records of changes made to this information.

22. Meta also collects and retains information about how each user accesses and uses Instagram. This includes information about the Internet Protocol ("IP") addresses used to create

¹ The information in this section is based on information published by Meta on its Instagram website, including, but not limited to, the following webpages: "Privacy Policy," <https://privacycenter.instagram.com/policy/>; "Information for Law Enforcement," <https://help.instagram.com/494561080557017>; and "Help Center," <https://help.instagram.com>.

and use an account, unique identifiers and other information about devices and web browsers used to access an account, and session times and durations.

23. Each Instagram account is identified by a unique username chosen by the user. Users can change their usernames whenever they choose but no two users can have the same usernames at the same time. Instagram users can create multiple accounts and, if “added” to the primary account, can switch between the associated accounts on a device without having to repeatedly log-in and log-out.

24. Instagram users can also connect their Instagram and Facebook accounts to utilize certain cross-platform features, and multiple Instagram accounts can be connected to a single Facebook account. Instagram accounts can also be connected to certain third-party websites and mobile apps for similar functionality. For example, an Instagram user can “tweet” an image uploaded to Instagram to a connected Twitter account or post it to a connected Facebook account or transfer an image from Instagram to a connected image printing service. Meta maintains records of changed Instagram usernames, associated Instagram accounts, and previous and current connections with accounts on Meta and third-party websites and mobile apps.

25. Instagram users can “follow” other users to receive updates about their posts and to gain access that might otherwise be restricted by privacy settings (for example, users can choose whether their posts are visible to anyone or only to their followers). Users can also “block” other users from viewing their posts and searching for their account, “mute” users to avoid seeing their posts, and “restrict” users to hide certain activity and prescreen their comments. Instagram also allows users to create a “close friends list” for targeting certain communications and activities to a subset of followers.

26. Users have several ways to search for friends and associates to follow on Instagram, such as by allowing Meta to access the contact lists on their devices to identify which contacts are Instagram users. Meta retains this contact data unless deleted by the user and periodically syncs with the user's devices to capture changes and additions. Users can similarly allow Meta to search an associated Facebook account for friends who are also Instagram users. Users can also manually search for friends or associates.

27. Each Instagram user has a profile page where certain content they create and share (“posts”) can be viewed either by the general public or only the user’s followers, depending on privacy settings. Users can customize their profile by adding their name, a photo, a short biography (“Bio”), and a website address.

28. One of Instagram's primary features is the ability to create, edit, share, and interact with photos and short videos. Users can upload photos or videos taken with or stored on their devices, to which they can apply filters and other visual effects, add a caption, enter the usernames of other users ("tag"), or add a location. These appear as posts on the user's profile. Users can remove posts from their profiles by deleting or archiving them. Archived posts can be reposted because, unlike deleted posts, they remain on Meta's servers.

29. Users can interact with posts by liking them, adding or replying to comments, or sharing them within or outside of Instagram. Users receive notification when they are tagged in a post by its creator or mentioned in a comment (users can “mention” others by adding their username to a comment followed by “@”). An Instagram post created by one user may appear on the profiles or feeds of other users depending on a number of factors, including privacy settings and which users were tagged or mentioned.

30. An Instagram “story” is similar to a post but can be viewed by other users for only 24 hours. Stories are automatically saved to the creator’s “Stories Archive” and remain on Meta’s servers unless manually deleted. The usernames of those who viewed a story are visible to the story’s creator until 48 hours after the story was posted.

31. Instagram allows users to broadcast live video from their profiles. Viewers can like and add comments to the video while it is live, but the video and any user interactions are removed from Instagram upon completion unless the creator chooses to send the video to IGTV, Instagram’s long-form video app.

32. Instagram Direct, Instagram’s messaging service, allows users to send private messages to select individuals or groups. These messages may include text, photos, videos, posts, videos, profiles, and other information. Participants to a group conversation can name the group and send invitations to others to join. Instagram users can send individual or group messages with “disappearing” photos or videos that can only be viewed by recipients once or twice, depending on settings. Senders can’t view their disappearing messages after they are sent but do have access to each message’s status, which indicates whether it was delivered, opened, or replayed, and if the recipient took a screenshot. Instagram Direct also enables users to video chat with each other directly or in groups.

33. Instagram offers services such as Instagram Checkout and Facebook Pay for users to make purchases, donate money, and conduct other financial transactions within the Instagram platform as well as on Facebook and other associated websites and apps. Instagram collects and retains payment information, billing records, and transactional and other information when these services are utilized.

34. Instagram has a search function which allows users to search for accounts by username, user activity by location, and user activity by hashtag. Hashtags, which are topical words or phrases preceded by a hash sign (#), can be added to posts to make them more easily searchable and can be “followed” to generate related updates from Instagram. Meta retains records of a user’s search history and followed hashtags.

35. Meta collects and retains location information relating to the use of an Instagram account, including user-entered location tags and location information used by Meta to personalize and target advertisements.

36. Meta uses information it gathers from its platforms and other sources about the demographics, interests, actions, and connections of its users to select and personalize ads, offers, and other sponsored content. Meta maintains related records for Instagram users, including information about their perceived ad topic preferences, interactions with ads, and advertising identifiers. This data can provide insights into a user’s identity and activities, and it can also reveal potential sources of additional evidence.

37. In some cases, Instagram users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications.

38. For each Instagram user, Meta collects and retains the content and other records described above, sometimes even after it is changed by the user (including usernames, phone numbers, email addresses, full names, privacy settings, email addresses, and profile bios and links).

39. In my training and experience, evidence of who was using Instagram and from where, and evidence related to criminal activity of the kind described above, may be found in the files and records described above. This evidence may establish the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion.

40. For example, the stored communications and files connected to an Instagram account may provide direct evidence of the offenses under investigation. Based on my training and experience, instant messages, voice messages, photos, videos, and documents are often created and used in furtherance of criminal activity, including to communicate and facilitate the offenses under investigation.

41. In addition, the user’s account activity, logs, stored electronic communications, and other data retained by Meta can indicate who has used or controlled the account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, subscriber information, messaging logs, photos, and videos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the account at a relevant time. As an example, because every device has unique hardware and software identifiers, and because every device that connects to the Internet must use an IP address, IP address and device identifier information can help to identify which computers or other devices were used to access the account. Such information also allows investigators to understand the geographic and chronological context of access, use, and events relating to the crime under investigation.

42. Account activity may also provide relevant insight into the account owner's state of mind as it relates to the offenses under investigation. For example, information on the account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

43. Other information connected to the use of Instagram may lead to the discovery of additional evidence. For example, associated and linked accounts, stored communications, photos, and videos may reveal services used in furtherance of the crimes under investigation or services used to communicate with co-conspirators. In addition, stored communications, contact lists, photos, and videos can lead to the identification of co-conspirators and instrumentalities of the crimes under investigation.

44. Therefore, Meta's servers are likely to contain stored electronic communications and information concerning subscribers and their use of Instagram. In my training and experience, such information may constitute evidence of the crimes under investigation including information that can be used to identify the account's user or users.

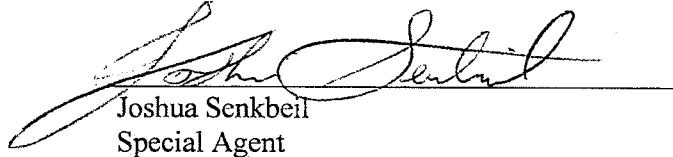
CONCLUSION

45. Based on the forgoing, I request that the Court issue the proposed search warrant.

46. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving the warrant on Meta. Because the warrant will be served on Meta, who will then compile

the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,


Joshua Senkbeil
Special Agent
Homeland Security Investigations

THE ABOVE AGENT HAS ATTESTED
TO THIS AFFIDAVIT PURSUANT TO
FED. R. CRIM. P. 4.1(b)(2)(B) THIS 13th/23
DAY OF FEBRUARY 2023.


SONJA F. BIRNS
UNITED STATES MAGISTRATE JUDGE